

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RICARDO NUNN,

Plaintiff,

No. 17-10818

v.

District Judge Nancy G. Edmunds
Magistrate Judge R. Steven Whalen

MICHIGAN DEPT. OF CORRECTIONS,
ET AL.,

Defendants.

ORDER

On June 1, 2018, I entered an amended order to show cause [Doc. #15], directing Plaintiff Ricardo Nunn to identify the Defendants by their complete names, so that the U.S. Marshal could properly serve them. In addition, Defendants Henderson, Jusain, and Farris are not Michigan Department of Corrections employees, and Mr. Nunn has not provided a proper address for service.

Mr. Nunn has now filed a motion for reconsideration of that order, requesting additional time to properly identify the Defendants [Doc. #17].

Mr. Nunn is a *pro se* prison inmate, and I understand that he has a bit more difficulty obtaining information than would an individual in free society who has legal representation. As such, his request for additional time to comply with my previous order is reasonable. However, in his motion for reconsideration, he also suggests that his complaint was dismissed without prejudice, and asks for time to exhaust his administrative remedies, as required by the Prison Litigation Reform Act (“PLRA”), 42 U.S.C. § 1997e(a). To be clear, at this point his complaint has not been dismissed.

Further, the PLRA requires that a plaintiff exhaust administrative remedies *before* filing a complaint, and exhaustion is not proper if it is completed after the complaint is filed. At this point, the Court does not know which Defendants have been exhausted and which have not, and this Order does not address the question of exhaustion. Rather, this Order does no more than grant Mr. Nunn's request for an extension of time to properly identify the Defendants in this action and provide addresses for service on the non-MDOC Defendants.

Therefore, Mr. Nunn's motion for reconsideration [Doc. #17] is GRANTED. If he provides this Court with the full names and locations of the Defendants by September 13, 2018, the Show Cause Order will be vacated, and the Court will grant a reasonable extension of time for service.

IT IS SO ORDERED.

Dated: July 16, 2018

s/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

I hereby certify on July 16, 2018 that I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to non-registered ECF participants on July 16, 2018.

s/Carolyn M. Ciesla
Case Manager for the
Honorable R. Steven Whalen